

## REMARKS

### *Phone Conference With the Examiner*

Applicant's attorney thanks the Examiner for the telephonic conference on December 1, 2005.

Applicant appreciates the Examiner's indication, in the Advisory Action and in the conference, that Claims 2 – 4 are allowed. In the course of that conference, the Examiner asserted that “joint activating” is not the same as “simultaneously activating”. However, the Examiner indicated that if Claim 1 were amended to replace “joint” with “simultaneously”, such an amendment would avoid the prior art of record, but would require a new search. The Examiner further suggested that filing such an amendment along with a Request for Continued Examination (RCE) would allow Applicant to obtain further consideration for Claim 1.

### *Claim Disposition*

Claims 1 – 12 are pending in the present application. Claims 2 – 4 have been allowed. Claims 1 and 5 – 12 stand rejected. According to the Examiner's suggestion, Claim 1, 5, and 6 have been amended.

No new matter has been introduced by these amendments. Support for the amendments may readily be found throughout the specification. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

The amendment obviates the rejection, and Claims 1, and 5-12 should now be allowable.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 1 and 5 - 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosefield et al., U.S. Patent No. 6,541,996, hereinafter referred to as Rosefield; in view of Yoshizaki, U.S. Patent No. 6,400,177, hereinafter referred to as Yoshizaki.

The arguments and remarks presented in the Amendment mailed to the U.S. Patent and Trademark Office on November 9, 2005 are incorporated herein by reference in their entireties, and Applicant respectfully requests further consideration of the arguments previously presented.

Applicant appreciates the Examiner's suggestions, and has amended Claims 1, 5, and 6 to address the Examiner's concerns. Amendment of the claims obviates the rejections. Claims 1, 5, and 6 have been amended to replace "joint" activating both the pull-up circuit and the pull-down circuit with "substantially simultaneously" activating (Claim 1) or activated (Claims 5 and 6). Support for the amendment is found throughout the Specification, for example, at least in paragraph 70, in the Figures, and in the claims as filed.

Applicant points out that the meaning of "substantially simultaneously" activating is covered by "joint" activating, and is apparent from the specification and drawings at the time the application is filed. During patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); *In re Prater*, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969). See also MPEP § 2111 - § 2111.01. When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).

Applicant further asserts that, from the specification and drawings as filed, one of ordinary skill in the art would understand what is meant by "substantially simultaneously" activated. The term "substantially" is often used in conjunction with another term to

describe a particular characteristic of the claimed invention. (See MPEP § 2173.05(b).) It has been held that the limitation "to substantially increase the efficiency of the compound as a copper extractant" was definite in view of the general guidelines contained in the specification. *In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation "which produces substantially equal E and H plane illumination patterns" was definite because one of ordinary skill in the art would know what was meant by "substantially equal." *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988).

Applicant respectfully contends that neither Rosefield nor Yoshizaki, whether alone, or in combination, teaches or discloses each element of Claim 1, as amended.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, U.S.P.Q.2d 1596, 1598 (Fed. Cir.1988). The Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir.1996).

In particular, the Examiner has suggested that Rosefield teaches jointly activating the pull-up and pull-down circuits, to support the rejection, the Examiner refers to Figure 3, step 301 and Fig. 3 step 308. As described, Claim 1 has now been amended to read "substantially simultaneously" activating the pull-up and pull-down circuits. Figure 3 of Rosefield includes no teaching or disclosure whatsoever that would suggest **substantially simultaneously** activating the pull-up and pull-down circuits. In fact, Fig. 3 clearly shows that step 308 is **subsequent** to step 301. That is, the operation of the pull-down impedance array is conducted *subsequent* to the operation and measurement for the pull-up impedance array. This interpretation is made more evident by referral to the description in the

specification at Col. 7, line 62 to Col. 8 line 24. The teachings of Rosefield clearly indicate determining suitable impedance for the pull-up impedance matching array, and then the same function for the pull-down impedance matching array. Rosefield also states, following the evaluation for the pull-up impedance matching array: “Similar to the operation with respect to ... pull-up impedance matching array ... this is continued until ... the pull down matching array is matched. Furthermore, Rosefield with reference to Figure 5 and the alternative embodiment directed to configuring the pull-down array, Rosefield states: “**Subsequently** (emphasis added), the same impedance setting ... is used to configure the pull-up impedance matching array”.

Finally, reference to Claim 1 makes it most evident that Rosefield clearly teaches a sequential operation of the pull-up impedance matching array and the pull-down impedance matching array. Claim 1 of Rosefield clearly states at line 11 (Col 9, line 28) “*subsequently* determining a second impedance adjustment level...” The claims of Rosefield clearly provide the evidence that Rosefield provides for subsequent operation of the pull-up impedance matching array and pull-down impedance matching array. Therefore, because Rosefield does not disclose or teach, “substantially simultaneously activated pull-up and pull-down circuits”, it cannot render Applicant’s Claim 1 unpatentable. Thus Claim 1 is allowable; the rejection is improper and should be withdrawn.

Furthermore, Rosefield does not disclose the step of **determining a first current flowing through the pull-up or the pull-down circuit, respectively with substantially simultaneously activated pull-up and pull-down circuits**.

Yoshizaki does not does not overcome the deficiencies of Rosefield. Yoshizaki does not teach or disclose **determining a first current ... with substantially simultaneously activated** pull-up and pull down circuits. Yoshizaki at Column 4, lines 1-5 specifically teaches complementary operation of the pull up and pull down transistors therein. Hence, Yoshizaki does not teach or suggest determining a first current flowing through the pull-up circuit or the pull-down circuit, respectively, with **substantially simultaneously activated** pull-up and pull-down circuits during a test carried out before a regular operation of the semiconductor device, as the Applicant claims. Therefore,

because Yoshizaki does not teach or disclose an element of Applicant's Claim 1, it cannot render Applicant's claim unpatentable. Thus, Claim 1 is allowable, the rejection is improper and should be withdrawn.

In conclusion, neither Rosefield nor Yoshizaki, whether alone or in combination teaches or discloses numerous elements of Applicant's Claim 1. Therefore, Rosefield or Yoshizaki, whether alone or in combination cannot render Applicant's Claim 1 unpatentable. Amendment of Claim 1 obviates the rejection. Withdrawal of the rejection is respectfully requested.

In view of the above discussion, Claims 2 - 12 depend from Claim 1, and include all of the corresponding limitations thereof. Claim 1 is not taught by Rosefield or Yoshizaki, whether alone or in combination; therefore, Claims 2 - 12 cannot be taught by Rosefield or Yoshizaki either. Thus, Claims 2 - 12 are allowable; the rejections are improper and they should be withdrawn.

The amendments and arguments presented herein are made for the purposes of better defining the invention, rather than to overcome the rejections for patentability. The claims have not been amended to overcome the prior art and therefore, no presumption should attach that either the claims have been narrowed over those earlier presented, or that subject matter or equivalents thereof to which the Applicant is entitled has been surrendered.

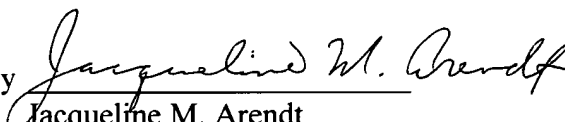
## **CONCLUSION**

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance of Claims 1 - 12 are respectfully requested. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

Appl. No.: 10/663,448  
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Supplemental Amendment and Response to Final Office Action

Respectfully submitted,

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